

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Arthur James Miceli, being duly sworn, hereby declare and state the following:

Introduction

1. Affiant is an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and Federal Rule of Criminal Procedure 41(a)(2)(C), as a Special Agent (SA) of the Federal Bureau of Investigation (FBI). Affiant is empowered to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. Affiant is a Special Agent with the Federal Bureau of Investigation and has been since August 2009. Your Affiant is currently assigned to the FBI Cleveland Field Office located in Cleveland, Ohio. As a Special Agent, my duties include conducting investigation involving possible criminal violations of Federal laws, particularly those laws located in Title 18 of the United States Code. Your Affiant has conducted numerous criminal investigations of individuals involved in violations of complex financial crimes, public corruption, fraud against the government, bank robbery, and violent crimes.

3. Based on the facts set forth in this affidavit, your Affiant respectfully submits that there is probable cause to arrest RICHARD HAYWOOD GRAHAM III (“GRAHAM”) for Bank Robbery in violation of Title 18, United States Code, Section 2113(a).

4. The facts in this affidavit are based on my own investigation, review of documents and records, and information obtained from other law enforcement officers and individuals. Because this affidavit is submitted solely for the purpose of establishing probable cause for the criminal complaint, your Affiant has not included each and every fact known to me concerning this criminal investigation.

FACTS AND CIRCUMSTANCES REGARDING PROBABLE CAUSE

5. On August 15th, 2022, Affiant responded to an active tracker corresponding to a bank robbery at US Bank located at 14701 Puritas Ave, Cleveland, Ohio 44102, located in the Northern District of Ohio, Eastern Division (US BANK). The 3SI Security Systems (“3SI”) electronic tracker

(“Device”) with IMEI 354724644300979 was activated at approximately 1:36pm EST. This alerted law enforcement of a potential bank robbery corresponding to US BANK. Affiant, as well as other law enforcement officers, were able to monitor the Device’s location with a 3SI mapping function. This mapping function geolocated the latitude, longitude, heading, and speed of the device with anywhere from 5 to 12 satellites at any given reporting.

6. Affiant and an FBI Task Force Officer (“TFO”) drove in separate vehicles as we followed the Device. While following the Device, Affiant monitored Cleveland Police Department (“CPD”) radio channels who had patrol units respond to US BANK located at 14701 Puritas Ave, Cleveland, Ohio 44102. CPD confirmed a bank robbery occurred and for a period of time had patrol vehicles also following the Device. Affiant monitored the Device to stop in the vicinity of 28625 Fountain Parkway, Solon, Ohio 44139. Driving behind an industrial warehouse building, Affiant and the FBI TFO identified a parked gray Kia Forte with Ohio license plate JUH6245. This vehicle was occupied by two unknown black males in the front seats. Affiant observed a third black male entering the rear driver side of the vehicle. After contacting FBI Cleveland regarding the situation and requesting Solon Police Department (“SPD”) assistance, Affiant and the FBI TFO initiated an arrest of the three individuals. A heavyset black male later identified as GRAHAM was commanded out of the front passenger’s side of the vehicle and placed under arrest. A heavyset black male later identified as Terry Jackson was commanded out of the front driver’s side of the vehicle and placed under arrest. A shorter black male later identified as Rodney Linson was commanded out of the rear driver’s side and detained.

7. Glenwillow Police Department (“GPD”) and SPD arrived at the arrest location; both GPD and SPD officers had body worn cameras during the incident. GRAHAM and Jackson were placed into separate patrol vehicles. A photograph of GRAHAM post arrest wearing a black short sleeve shirt, stonewash blue jeans and black Nike tennis shoes with red lacings is shown as Image A below:

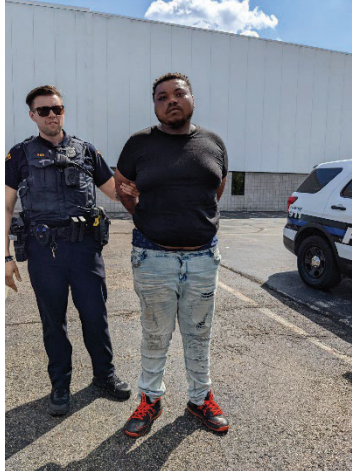


Image A

8. US Bank security emailed security images of the suspected bank robber from 14701 Puritas Ave, Cleveland, Ohio 44102. The suspect was a heavysset black male wearing a black short sleeve t-shirt, stonewash blue jeans, dark shoes, and a Champion baseball hat as seen in Images B and C.



Image B



Image C

9. During on-scene questioning, Linson informed law enforcement that he knew JACKSON and that they came to his place of employment located at 28625 Fountain Parkway, Solon, Ohio 44139. JACKSON wanted to swap vehicles with Linson; Linson stated he was going to decline but law enforcement arrested GRAHAM and Jackson.

10. Upon inspection of the gray Kia Forte with Ohio license plate JUH6245, law enforcement identified a large amount of U.S. currency on the front right passenger floor of the vehicle. This was the

seat where GRAHAM was sitting when arrested by law enforcement. This money had one stack of 20-dollar bills wrapped with a yellow bank currency wrapper indicating \$1,000. SPD took photographs of this money as shown in Image D below:



Image D.

11. Law enforcement identified beneath the large amount of U.S. currency on the front right passenger floor of the vehicle was a Glock model 17, 9mm caliber handgun with serial number BRND539. SPD located and noted within their police report that the electronic tracking Device was found next to the Glock model 17, 9mm caliber handgun. Further, a 31-round capacity extended magazine loaded with 31-9mm caliber cartridges was also found beneath this same pile of money. Photographs of the Glock model 17, 9mm caliber handgun and 31-round capacity extended magazine are shown in Images E, F, and G below:

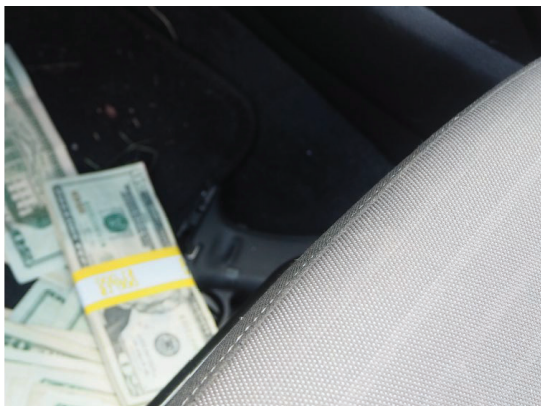


Image E.

Image F.



Image G.

12. Upon arrival, CPD conducted an inventory and collected all evidence, to include the gray Kia Forte with Ohio license plate JUH6245, the Glock model 17, 9mm caliber handgun with serial number BRND539, the 31-round capacity extended magazine loaded with 31-9mm caliber cartridges, and all U.S. currency found within the vehicle or on the persons of GRAHAM and Jackson. CPD counted a total of \$1701 in mixed denominations of U.S. currency found on the front passenger floor.

13. CPD read Jackson his Miranda Rights to which he stated he understood them. Jackson admitted to driving his girlfriend's, later identified as Maryn Tolbert, vehicle and was asked by GRAHAM to pick him up on a side street. Jackson asked if his girlfriend could pick up the gray Kia Forte.

14. Law enforcement interviewed the US Bank victim bank teller with the initials of R.R. R.R. stated that on August 15th, 2022, a 6'0" chubby black male approached his/her teller window. Without saying a word, the suspect passed R.R. a note that R.R. paraphrased as "I need \$2500 my family's life depends on it, I don't want to hurt anybody if I don't have to. I will kill if I have to." R.R. then opened up his/her bank drawer and provided the suspect with all the money in the drawer along with

a GPS tracker. The suspect left the bank and R.R. activated his/her bank alarm. R.R. provided law enforcement with a bank audit form of his/her drawer showing a loss of \$1,701 in U.S. currency.

15. On August 15th, 2022, Cuyahoga County inmate GRAHAM made a jail call to telephone number xxx-xxx-5516. In this call, GRAHAM stated, “they found a gun in the car, it was my pole for sure.”

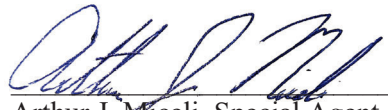
16. On August 16th, 2022, Cuyahoga County inmate GRAHAM made a jail call to telephone number xxx-xxx-7389. In this call, GRAHAM stated “Man, I hit a bank. Went in that bitch with a note and some other shit.”

17. Affiant is aware that all of the deposits at the aforementioned bank were, at the time of the robbery, and remain, insured by the Federal Deposit Insurance Corporation (FDIC).

Conclusion


18. Based on the foregoing, Affiant has probable cause to believe that, on August 15th, 2022, GRAHAM, did by force, violence, and intimidation, take from the victim teller’s bank monies belonging to, or in the care, custody, control, or possession of the aforementioned US Bank located in the Northern District of Ohio, Eastern Division, the deposits of which are insured by the Federal Deposit Insurance Corporation (FDIC), in violation of Title 18, U.S. Code, Section 2113(a).

FURTHER YOUR AFFIANT SAYETH NOT.


Arthur J. Miceli, Special Agent
Federal Bureau of Investigation

Sworn to via telephone after
submission by reliable electronic
means. Crim.Rules. 4.1; 41(d)(3)




Thomas M. Parker
United States Magistrate Judge
3:21 PM, Dec 6, 2022